



General Assembly

January Session, 2013

Raised Bill No. 6512

LCO No. 3651



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING MAINTENANCE OF PRIVATE EASEMENTS
AND RIGHTS-OF-WAY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2013*) (a) As used in this
2 section, (1) "residential real property" has the same meaning as
3 provided in section 20-325c of the general statutes, and (2) "benefited
4 property" or "property that benefits" includes a residential real
5 property burdened by an easement or right-of-way, the owner of
6 which property uses such easement or right-of-way.

7 (b) The owner of any residential real property that benefits from an
8 easement or right-of-way, the purpose of which is to provide access or
9 utilities or both to such property, shall maintain such easement or
10 right-of-way in good repair. Such maintenance shall include, but not
11 be limited to, the removal of snow from such easement or right-of-
12 way.

13 (c) If more than one residential real property benefits from such
14 easement or right-of-way, the cost of maintaining and repairing such

15 easement or right-of-way shall be shared by each such benefited
 16 property owner, pursuant to the terms of any enforceable written
 17 agreement entered into for such purpose. In the absence of such
 18 agreement, the cost of maintaining and repairing such easement or
 19 right-of-way shall be shared by each such benefited property owner in
 20 proportion to the benefit received by each such property.

21 (d) Notwithstanding the provisions of subsection (c) of this section,
 22 any owner of a benefited property who directly or indirectly damages
 23 any portion of the easement or right-of-way shall be solely responsible
 24 for repairing or restoring the damaged portion.

25 (e) If any owner of such benefited property refuses to repair or
 26 restore the damaged portion or fails, after a demand in writing, to pay
 27 such owner's proportion of the cost of maintaining or repairing such
 28 easement or right-of-way, an action for specific performance or
 29 contribution may be brought in the superior court against such owner
 30 by other owners of such benefited properties, either jointly or
 31 severally.

32 (f) In the event of any conflict between the provisions of this section
 33 and an agreement described in subsection (c) of this section, the terms
 34 of the agreement shall control.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section

Statement of Purpose:

To establish requirements for the maintenance and repair, and cost-sharing of such maintenance and repair, of private easements and rights-of-way.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]